

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

CRIMINAL NO.

**04 CR 10167 RCL**

v. )

**VIOLATIONS:**

(1) ADAM ELLARD )

21 U.S.C. § 846 -

(2) TROY BREWER )

Conspiracy to Possess with Intent

(3) TIMOTHY HERLIHY )

to Distribute, and to Distribute,

Defendants. )

Hydrocodone

21 U.S.C. § 841(a)(1) -

Possession With Intent To

Distribute and Distribution of

Hydrocodone

18 U.S.C § 2 -

Aiding and Abetting

21 U.S.C. § 853 -

Criminal Forfeiture Allegation

**INDICTMENT**

**COUNT ONE:** (21 U.S.C. § 846 - Conspiracy to Possess with  
Intent to Distribute, and to Distribute,  
Hydrocodone)

The Grand Jury charges that:

On or about March 3, 2004, at Revere and elsewhere in the  
District of Massachusetts,

1. ADAM ELLARD
2. TROY BREWER, and
3. TIMOTHY HERLIHY

defendants herein, did knowingly and intentionally combine,  
conspire, confederate, and agree with each other, and with other  
persons unknown to the Grand Jury, to distribute, and to possess

with intent to distribute, hydrocodone, a Schedule III controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (21 U.S.C. §841(a)(1) - Possession with Intent to Distribute, and Distribution of, Hydrocodone; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about March 3, 2004, at Revere, in the District of Massachusetts,

1. ADAM ELLARD,
2. TROY BREWER, and
3. TIMOTHY HERLIHY,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, hydrocodone, a Schedule III controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**FORFEITURE ALLEGATION:** (21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 and 2 of this Indictment,

1. ADAM ELLARD,
2. TROY BREWER, and
3. TIMOTHY HERLIHY,

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

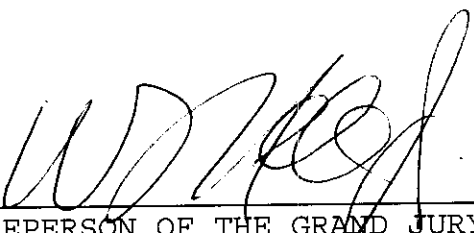
2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants -

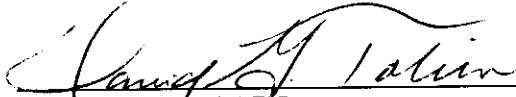
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section  
853.

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
DAVID G. TOBIN  
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS; May 27, 2004. @ 4:21 PM

Returned into the District Court by the Grand Jurors and  
filed.

  
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DEPUTY CLERK